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(Original Signature of Member)

108TH CONGRESS
2D SESSION

H. R. _____

To clarify the obligations of the Federal Communications Commission to
issue licenses using competitive bidding procedures.

IN THE HOUSE OF REPRESENTATIVES

Mr. NUSSLE introduced the following bill; which was referred to the
Committee on _____

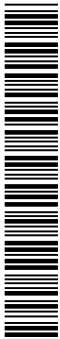
A BILL

To clarify the obligations of the Federal Communications
Commission to issue licenses using competitive bidding
procedures.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spectrum Account-
5 ability Act”.



1 **SEC. 2. CLARIFICATION OF SPECTRUM AUCTION REQUIRE-**
2 **MENTS.**

3 (a) AMENDMENT.—Paragraph (6) of section 309(j)
4 of the Communications Act of 1934 (47 U.S.C. 309(j)(6))
5 is amended—

6 (1) by redesignating subparagraphs (A) through
7 (H) as clauses (i) through (viii), respectively;

8 (2) by striking “Nothing in this subsection”
9 and inserting the following:

10 “(A) IN GENERAL.—Nothing in this sub-
11 section”; and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(B) LIMITATION.—Neither subparagraph
15 (A) of this paragraph nor any other provision
16 of this Act (other than paragraph (2) of this
17 subsection) shall be construed to permit the
18 Commission to avoid the requirement of para-
19 graph (1) of this subsection to use competitive
20 bidding in granting a license, or to avoid the
21 obligation to accept properly executed mutually
22 exclusive applications for such a license, if the
23 grant of such license, including any grant by
24 means of a modification pursuant to section
25 316, results in the licensee—

26 “(i) being authorized to use—



1 “(I) a materially greater quantity
2 of electromagnetic spectrum than the
3 licensee was authorized to use prior to
4 the grant or modification; or

5 “(II) a band of the electro-
6 magnetic spectrum that materially ex-
7 ceeds in value any band of spectrum
8 that was previously used by the li-
9 censee; or

10 “(ii) effectively exchanging a license
11 previously held by the licensee for a license
12 that—

13 “(I) materially alters the rights
14 or obligations under the previously
15 held license; or

16 “(II) permits the licensee to pro-
17 vide services that the previously held
18 license did not permit.”.

